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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/801,332
Filing Date: March 15, 2004
Appellant(s): BALAZ ET AL.

Allan T. Sponseller
Reg. No. 38,318
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 8, 2007 appealing from the Office action mailed April 5, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,044,471	COLVIN	03-2000
6,606,744	MIKURAK	08-2003

6,931,016 ANDERSSON et al 08-2005

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colvin, U.S. Patent 6,044,471 in view of Mikurak, U.S. Patent 6,606,744.

As per claims 1,10, and 19, it is disclosed by Colvin of a method, apparatus (system), and computer readable media containing a plurality of instructions executed by a computer (comprising a processor)(col. 1, lines 62-64 and col. 11, lines 44-46). A request is received, from an end-user (requestor), for a password to be used by an end-user located on a computer (device) when communicating with administrator (registration authority)(col. 4, lines 35-39,61-66). The end-user (requestor) is authenticated by an administrator that checks the registration information associated with the computer (device)(col. 4, lines 39-41,61-66 and col. 5, lines 6-9). The password is generated, storing (by adding) it at a source (password table), and the password is sent to the end-user (requestor) for use by the device (col. 3, line 67 through col. 4, line 2, col. 4, lines 40-42, and col. 6, lines 65-67). The teachings of

Colvin disclose of an administrator (registration authority), but are silent in disclosing that the registration authority operates as a protocol gateway between the device and a certificate authority. It is disclosed by Mikurak of a registration authority that acts as a protocol gateway that is coupled to receive messages from a certificate authority (col. 67, lines 15-19,21-25, col. 269, lines 58-65, and as shown in Figure 120). It is obvious to a person of ordinary skill in the art that it would have been obvious to implement the usage of a registration authority to act as a protocol gateway between a device and a certificate authority. Mikurak recites motivation for the use of a registration authority acting as a protocol gateway by disclosing without the use of gateways to convert the protocols, the transmitted information would be incomprehensible upon arrival and gateways allow incompatible networks to communicate with one another (col. 67, lines 15-25). It is obvious that the teachings of Colvin would have found this feature beneficial in order to convert messages of one protocol to that of another protocol by means of a registration authority acting as a protocol gateway, as suggested by Mikurak, so that a password can be obtained regardless of multiple systems operating on different protocols.

As per claims 2,11, and 20, the teachings of Colvin are shown being embodied on a network that is connected across the Internet (as shown in Figure 1 and col. 8, lines 1-3). The teachings of Colvin are silent in reciting that a router is used. The examiner hereby takes official notice that the use of routers are notoriously well known. It would have been obvious to a person of ordinary skill in the art at the time of the invention to be motivated to apply means expediting message delivery. The motivation

for using routers are that they received transmitted messages and forward them to their destination over the most efficient route since there are many possible routes that the data can be sent. It is obvious that the teachings of Colvin use routers since it is connected across the Internet and so that the most efficient routes can be used to transfer information between a user's computer and an administrator.

As per claims 3 and 12, it is taught by Colvin that the password is generated as a random number (col. 3, line 67 through col. 4).

As per claims 4 and 13, Colvin teaches of the use of encrypting (SSL is a form of encryption) communications (receiving, authenticating, and returning) between a user that is located at a device and the administrator to ensure that the communications are less susceptible to tampering (col. 3, lines 3-5 and col. 4, lines 35-39).

As per claims 5 and 14, Colvin discloses that the password is kept active for a selective amount of time (col. 4, lines 24-27,36-39).

As per claims 7 and 16, it is disclosed by Colvin that the password is kept active for a selected amount of time and then the password is removed from storage (password table) after the selected amount of time (col. 4, lines 24-27,36-39 and col. 7, lines 32-38).

As per claims 8 and 17, Colvin teaches of receiving a request from an end-user located at a computer (device) that includes a request for a password, checking whether the password request is include in the storage location (password table) and processing the request if the request password is include in the password table. If the provided

information doesn't match with the information that is used, the request is rejected (col. 4, lines 39-41,61-66, col. 5, lines 6-9, and col. 6, lines 65-67).

As per claims 9 and 18, Colvin discloses that the request password is removed from storage (password table) once a new password is issued (col. 9, lines 17-21 and col. 6, lines 65-67).

As per claim 15, it is recited in the teachings of Colvin that the password is kept active for a selected amount of and is then invalid after that selected amount of time (col. 4, lines 24-27,36-39).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colvin, U.S. Patent 6,044,471 in view of Mikurak, U.S. Patent 6,606,744 in further view of Andersson et al, U.S. Patent 6,931,016.

The combined teachings of Colvin and Mikurak fail to disclose of receiving a password as part of a subsequent request from the device and comparing the received password to the password in the password table to verify that the subsequent request actually came from the device. It is taught by Andersson et al of receiving a password as part of a subsequent request from the device and comparing the received password to the password in the password table to verify that the subsequent request actually came from the device (col. 3, line 67 through col. 4, line 6 and col. 4, lines 18-27). It would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to apply authentication checks to routers to ensure that they are the correct devices when communicating. The teachings of Andersson et al recite of

motivation for authenticating the routers by disclosing that by authenticating the router through use of passwords, only authenticated routers are allowed to participate in the VPN (col. 4, lines 18-27 & 33-40). It is obvious to one of ordinary skill in the art that the combined teachings of Colvin and Mikurak would have been made more secure by authenticating a router participating in communications so that it can be properly authenticated prior to connecting to the network as is taught by Andersson et al.

(10) Response to Argument

As per claims 1-5 and 7-20:

It is argued by the Appellant on page 8 of the brief that "Mikurak discusses Internet gateways and also discusses a Certificate Authority and a Registration Authority, there is no mention or discussion of a *Registration Authority operating as a protocol gateway between a device and a Certificate Authority*"

The examiner respectfully disagrees with the Appellant's argument. Independent claims 1,10, and 19 recite "receiving a request, from a requestor, for a password to be used by a device when communicating with the registration authority operating as a protocol gateway between the device and a certificate authority". The fact that the communications with the registration authority acting as a protocol gateway is conditional since "when" is claimed. The functionality of the registration authority acting as a protocol gateway is not required and is conditional, and thereby, the aspect of the registration authority is not important since it the claim language of the registration

authority acting as a protocol gateway may not be required for use according to the claim language. If the requirement of protocol conversion is required for usage, it is inherent that a gateway has to convert protocols since gateways are defined as are responsible for converting protocols between two different networks and gateways allows for communications between two incompatible networks connected through the Internet to communicate with one another by converting the protocols into a form that is compatible with the other network, see Mikurak, column 67, lines 15-25. The examiner notes that the claim language of a "registration authority" doesn't have any structure claimed which limits is functionality, but rather is merely an arbitrary device and the examiner is interpreting the connection using the registration authority and a gateway equivalent to the Appellant's claim language of a "registration authority acting as a protocol gateway" with which the examiner has provided a prima facie case of showing all the claimed elements, please refer to Mikurak, column 67, lines 15-25 and column 269, lines 58-65. It is shown in Figure 120 of Mikurak of device 12000 connected to Certificate Authority (CA) 12008 connected through ISPs to the Internet whereby the connection between the CA 12008 and device 12000 are connected through the Registration Authority (RA) workstation. The gateway operates on the Internet of Mikurak and is it interpreted by the examiner that the device 12000 and CA 12008 are operating on two different networks that are connected through the Internet, whereby the RA is the intermediary and the gateway operating across the Internet provides protocol conversion for communications between the device and CA, see column 67, lines 15-25 and as shown in Figure 120.

As per claim 21:

It is argued by the Appellant that the relied upon teachings of Andersson et al fail to disclose "receiving the password as part of a subsequent request from the device; and comparing the received password to the password in the password table to verify that the subsequent request actually came from the device". The Appellant further argues that Andersson et al only discloses that the password are for the entire VPN, not for a single router in the VPN and the passwords are used to verify that a router is permitted to join a VPN and nowhere is it taught that "passwords can be used to verify that a particular request came from a particular router".

The examiner respectfully disagrees with the Appellant's arguments. Andersson et al discloses of devices, or routers, that are members of selected VPNs and require authentication data for authenticating the devices, or routers, attempting to access the VPN with the use of passwords, see column 3, line 67 through column 4, line 6. The request includes an IP address is associated with the device as well as VPN identifier, and security data and it is determined if the router is permitted to join the VPN. The security data, or password, is compared with a database, or password table, to determine if access is permitted for the router to join the VPN, see column 4, lines 18-26. In that the router comprises an IP address, which is known to be a unique value, the password is associated with the router and hence, is used to verify that the subsequent request actually came from the particular device, or router. The router provides an IP address and a password in order to prove that is belongs to the VPN and

the verification of the password authorizes participation in the VPN of Andersson et al which meets the Appellant's claim limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Christopher Revak

Primary Examiner AU 2131

CHRISTOPHER REVAK
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